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Rules, Regulations, Orders

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

CHAPTER II—AGRICULTURAL MARKETING SERVICE

PART 204—POSTED STOCKYARDS AND LIVE POULTRY MARKETS

NOTICE RELATIVE TO STATESBORO LIVESTOCK COMMISSION COMPANY, STATESBORO, GEORGIA¹

OCTOBER 15, 1941.

Notice to F. C. Parker and F. C. Parker, Jr., doing business as Statesboro Livestock Commission Company at Statesboro, Georgia.

Notice is hereby given that after inquiry, as provided by section 302 (b) of the Packers and Stockyards Act, 1921 (7 U.S.C. Sec. 202 (b)), it has been ascertained by me that the stockyard known as the Statesboro Livestock Commission Company (outside the City limits of Statesboro, Georgia) at Statesboro, State of Georgia, is subject to the provisions of said Act.

The attention of stockyard owners, market agencies, dealers, and other persons concerned is directed to sections 303 and 306 (7 U.S.C. Secs. 203 and 207) and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL]

GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 41-7770; Filed, October 15, 1941; 11:21 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT CHAPTER VIII—PROCUREMENT AND DISPOSAL OF EQUIPMENT AND SUPPLIES

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS²

§ 81.3 Taxes—(a) Information to be included in invitations for bids, bids, contracts, and instructions to bidders.

¹ Modifies list posted stockyards 9 CFR 204.1.
² § 81.3 (a) (3) and § 81.10 (f) (20) (ii) are amended.

(3) State taxes. Instructions to bidders will include the following:

To facilitate evaluation of bids no State or local taxes charged directly on the sale of goods should be included in bid prices, but whether or not included, the amount of such taxes should be shown in detail so that appropriate computation may be made to determine the low bid and whether exemption certificates should be issued, etc. The evaluation of bids will be on a tax-exclusive basis since such State or local sales tax is not chargeable to the Federal Government, and if the bid as submitted does not clearly show that any such tax is excluded or that the bidder consents to the deduction thereof in a stated amount or amounts, it will be presumed that the amount of the tax is included in the bid price, the bid will be evaluated accordingly, and if the bid is accepted no exemption certificate will be issued.

In bidding on lump sum construction purchases, the bid price will include without separate statement the amounts of all State and local taxes payable by the bidder. (41 Stat. 764, 765; 10 U.S.C. 1193) [Par. 7a (3), A.R. 5-100, Aug. 7, 1940, as amended by Proc. Cir. 76, W. D., Oct. 7, 1941]

* * * * *

§ 81.10 *Invitations for bids.*

* * * * *

(f) *Special conditions authorized or required to be included.*

* * * * *

(20) *Federal, State, and local taxes.*

* * * * *

(ii) *State or local taxes.* For the furnishing of all supplies, bidder will indicate which one of the following statements is applicable to his bid:

Prices herein do not include any State or local taxes imposed directly on the sale of the supplies.

Prices herein include all State and local taxes imposed directly on the sale of the supplies, but consent is hereby given to the deduction of said taxes and the acceptance of a tax exemption certificate in lieu thereof.

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Prices herein include all State and local taxes imposed directly on the sale of the supplies, but no deduction of said taxes will be permitted nor will a tax exemption certificate be accepted in lieu thereof.

Whether State or local taxes charged directly on the sale of goods are included or are not included, the amount of such taxes should be shown in detail.

In bidding on lump sum construction purchases, the bidder will not refer to State or local taxes and the bid price will include without separate statement the amounts of all State and local taxes payable by the bidder. (R.S. 3709; 31 Stat. 905, 32 Stat. 514; 41 U.S.C. 5, 10 U.S.C. 1201) [Par. 10, AR 5-140, May 22, 1940, as amended by Proc. Cir. 76, W.D., Oct. 7, 1941]

[SEAL]

E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-7743; Filed, October 15, 1941; 10:02 a. m.]

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS¹

§ 81.10 Invitations for bids.

(e) Specifications.

(1b) *Deviation from Federal specifications.* In any case where an Emergency Alternate Federal Specification has not been issued and there appears to be a conflict between the requirements of subparagraph (1) of this paragraph and instructions from competent authority with respect to the conservation of materials, authority has been granted by the Director of Procurement, Procurement Division, Treasury Department, to deviate from Federal specifications. Deviation from those specifications will be made only on approval of the chief of the supply arm or service concerned. Report will be submitted to the office of the Under Secretary of War by the chief of the supply arm or service where such deviations have been authorized. (R.S. 3709; 31 Stat. 905; 32 Stat. 514; 41 U.S.C. 5, 10 U.S.C. 1201) [Par. 9a (3), AR 5-140 May 22, 1940, as added by Proc. Cir. 77, WD Oct. 7, 1941]

[SEAL]

E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-7742; Filed, October 15, 1941; 10:01 a. m.]

CHAPTER IX—TRANSPORT

PART 91—GENERAL TRANSPORT REGULATIONS²

§ 91.25 *Transport messes*—(a) *Classification.* The following messes will be established, when practicable, on each ship of the Army Transport Service and on each hospital ship:

- (1) Saloon mess.
- (2) Ship's mess.
- (3) Ship's petty officers' mess.

¹ § 81.10 (e) (1b) is added.
² § 91.25 is superseded.

- (4) Sailors' and firemen's mess.
- (5) Hospital mess.
- (6) Troop mess.

(b) *Saloon mess.* The persons who may be subsisted in the saloon mess are the commanding officer of troops, transport quartermaster, surgeon, dental surgeon, chaplain, veterinarian, Army nurses, quartermaster agent, quartermaster clerks, and civilian radio operators assigned to the transport; all licensed officers, cadet officers of the Maritime Commission, the chief steward, and all persons authorized to travel as first-class passengers.

(c) *Ship's mess.* (1) The persons subsisted in the ship's mess will be the refrigerating engineer, assistant refrigerating engineers; deck engineer, assistant deck engineers; electrician, assistant electricians; plumber, assistant plumbers; machinist, assistant machinists; boilermaker; stewardesses; civilian veterinarian; baggageman-embalmer; enlisted men assigned to duty upon the transport; and all persons authorized to travel as second-class passengers.

(2) Enlisted men of the United States Navy, Marine Corps, and Coast Guard of grades corresponding to any of the above-mentioned Army grades.

(3) A special mess is provided on some transports for enlisted men's wives and other second-class passengers in order to relieve the crowded condition of the regular ship's mess. These messes are one and the same, except that they are located in different places; the same regulations apply to both.

(d) *Meals in staterooms or quarters.* No meals, luncheons, or refreshments will be served to passengers, ship's officers, or crews of transports in their staterooms or quarters, unless under written orders of the transport surgeon. These instructions will not apply to officers and crew on duty at night.

(e) *Complaints.* All complaints in regard to service, sufficiency, or quality of food will be made to the commanding officer of troops and by him referred to the superintendent, Army Transport Service, of the home port with report of action taken.

(f) *Payment for subsistence required*—(1) *General; rates.* All persons chargeable for subsistence will pay the transport quartermaster or quartermaster agent before the sailing of the transport, except as hereinafter provided, at rates to be determined and prescribed by The Quartermaster General semiannually, effective January 1 and July 1 of each year.

(2) *In case of immediate family of enlisted man.* When the immediate family of an enlisted man travels by Government transport and the enlisted man in his request for transportation shall have included a statement that the cost of subsistence for the family be charged against his pay, subsistence will be furnished and collection made therefor as provided for sales made on credit, and in such a case the subsistence may be al-

lowed to exceed two-thirds of the enlisted man's pay.

(3) *In case of meals not taken.* Deductions will not be allowed for meals not taken during a voyage or in port.

(4) *Entertainment of guests.* When in port, guests may be entertained aboard transports by permission of the commanding officer of troops or quartermaster or quartermaster agent, but the person inviting them must pay the fixed charges for the same. (R.S. 161; 5 U.S.C. 22) [Pars. 1, 2, 3, 9, 10, and 12, A.R. 30-1220, Sept. 25, 1941]

[SEAL]

E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-7749; Filed, October 15, 1941;
10:25 a. m.]

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS BOARD

PART 40—AIR CARRIER OPERATING CERTIFICATION

PART 61—SCHEDULED AIR CARRIER RULES

SPECIAL REGULATION

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 14th day of October 1941.

It appearing that: (a) The War Department proposes extensive operations of Service aircraft in connection with army maneuvers to be held within a large area covering portions of Virginia, Tennessee, North Carolina, South Carolina, and Georgia from approximately November 14 to 30, 1941, which will jeopardize the safety of air carrier aircraft operating within that area other than in accordance with day contact flight rules;

(b) The air carriers which are authorized to operate over this area may safely conduct scheduled operations along suitable temporary alternate routes;

(c) Parts 40 and 61 of the Civil Air Regulations prohibit air carriers from operating over such temporary alternate routes unless route test flights have been made, certain air navigation facilities are available, and pilots and aircraft dispatchers used have demonstrated route competency;

The Board finds that:

Its action is in the public interest and in the interest of safety of air transportation;

Now, therefore, The Civil Aeronautics Board, acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 601, and 604 of said Act, makes and promulgates the following special regulation:

Notwithstanding the provisions of Parts 40 and 61 of the Civil Air Regulations which deal with airway route requirements, intermediate field requirements, radio route facilities require-

ments, weather route reporting, pilot and aircraft dispatcher route competency, and the amending of air carrier operating certificates and competency letters, scheduled air carriers which have been issued air carrier operating certificates authorizing operations over the area in which the War Department is to conduct army maneuvers from November 14 to 30, 1941, in certain portions of Virginia, Tennessee, North Carolina, South Carolina, and Georgia, may conduct, from October 14 to December 1, 1941, scheduled day and night contact and instrument operations over such temporary routes, with such facilities and personnel and in accordance with such proceedings and practices as the Administrator may deem necessary to protect the safety of air transportation.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41-7746; Filed, October 15, 1941;
10:19 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-722]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER GRANTING RELIEF IN THE MATTER OF THE PETITION OF GAHAGEN COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 1, FOR REDUCTION IN MINIMUM PRICES FOR RUN OF MINE COAL PRODUCED IN ITS MINE INDEX NOS. 220, 221, AND 222, WHEN MIXED, FOR SHIPMENT INTO MARKET AREAS NOS. 1 AND 2

A petition having been filed with the Bituminous Coal Division, pursuant to

section 4 II (d) of the Bituminous Coal Act of 1937, by Gahagen Coal Company, a code member producer in District 1, requesting the establishment of a F classification for coals produced at the petitioner's Huskin No. 3 Mine (Mine Index No. 220), Huskin No. 4 Mine (Mine Index No. 221), and Huskin No. 6 Mine (Mine Index No. 222), when mixed, for shipment by rail;

A petition of intervention having been filed by District Board 1;

Pursuant to an Order of the Director, a hearing having been held in this matter before a duly designated Examiner of the Division at a hearing room of the Division at Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived by the parties and the record having been thereupon submitted to the undersigned;

The Director having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That § 321.7 (Alphabetical list of code members) in the Schedule of Effective Minimum Prices for District No. 1 for All Shipments Except Truck be and it is hereby amended by adding thereto the following price classifications and corresponding minimum prices as the effective price classifications and minimum prices for coals produced at the Huskin No. 3, Huskin No. 4, and Huskin No. 6 Mines of the Gahagen Coal Company when shipped by rail in mixtures containing not less than 66⅔ percent of Huskin No. 4 Mine coals:

§ 321.7 Alphabetical list of code members

Mine index No.	Code member	Mine name	Sub-dist. No.	Seam	Freight origin group No.	Size groups				
						1	2	3	4	5
220, 221, 222	Gahagen Coal Co.	{ Huskin #3 1 Huskin #4 1 Huskin #6 1 mixed.....	38	B and C.....	40	F	F	F	F	F

¹ Containing not less than 66⅔ percent of Huskin #4 Mine coal.

It is further ordered, That the prayers for relief contained in the petition filed herein are granted to the extent set forth above and in all other respects are denied.

Dated: October 14, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7768; Filed, October 15, 1941;
10:46 a. m.]

[Docket No. A-358]

PART 334—MINIMUM PRICE SCHEDULE, DISTRICT NO. 14

ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 14 FOR THE APPLICATION OF

NOTE "1", § 334.6, PART 334, MINIMUM PRICE SCHEDULE FOR DISTRICT NO. 14 FOR ALL SHIPMENTS EXCEPT TRUCK, TO SIZE GROUPS 15 AND 16

A petition having been filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by District Board 14, proposing that the Schedule of Effective Minimum Prices for District No. 14 for All Shipments Except Truck be revised so that Note "1" in § 334.6 in said schedule will apply to coals in Size Groups 15 and 16 as well as to Size Group 14 coals; Temporary relief having been granted by Order of the Director;

A hearing in this matter having been held, pursuant to Order of the Director and after due notice to all interested per-

sons, before a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived and the record thereupon having been submitted to the undersigned;

The Director having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That § 334.6 (General prices) in the Schedule of Effective Minimum Prices for District No. 14 for All Shipments Except Truck be, and it hereby is, amended to provide that the adjustment provided in Note "1" for Size Group 14 in § 334.6 in said District 14 schedule shall also apply to Size Groups 15 and 16, provided that the effective minimum prices for Size Groups 15 and 16, after such adjustment, shall not be less than the minimum prices applicable to Size Group 14 where Note "1" applies, and provided further that the delivered price of \$1.70 per ton is maintained for shipments to Harrah, Oklahoma, from all mines.

It is further ordered, That the prayer for relief contained in the petition filed herein is granted to the extent set forth above and in all other respects denied.

Dated: October 14, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-7769; Filed, October 15, 1941;
10:46 a. m.]

[Docket No. A-1061]

PART 343—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 23

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR CERTAIN FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 23, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS PRODUCED AT THE PREMIER MINE, OF ANCHORAGE COAL CO., A CODE MEMBER IN DISTRICT NO. 23

An original petition and an amendment thereto, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, have been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals produced at the Premier Mine of the Anchorage Coal Co., a code member in Subdistrict I in District No. 23.

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief, in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming this action necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 343.5 (General prices; minimum prices for shipment via rail transportation) and § 343.21 (General prices) in the Schedule of Effective Minimum Prices for District No. 23 for All Shipments, is supplemented to include, for the coals produced at the Premier Mine (Mine Index No. 158) of code member Anchorage Coal Co., located in Seams 3 and 5 in Freight Origin Group No. 90 in Subdistrict I of District No. 23, for all shipments, including those via the Alaska Railroad, from Premier, Territory of Alaska, the following effective minimum prices: in Size Group 2, \$6.00 per net ton; in Size Group 4, (bottom size 1") \$4.25 per net ton; in Size Group 10, \$5.00 per net ton; in Size Group 15, \$3.25 per net ton; and in Size Group 19, \$4.00 per net ton.

It is further ordered, That pleadings in opposition to the original petition as amended in the above-entitled matter, applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: October 13, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-7767; Filed, October 15, 1941;
10:46 a. m.]

TITLE 32—NATIONAL DEFENSE
CHAPTER IX—OFFICE OF PRODUCTION
MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 976—MOTOR TRUCKS, TRUCK TRAILERS,
AND PASSENGER CARRIERS

Extension No. 1 of Limitation Order
L-1-a To Restrict the Production of
Medium Motor Trucks, Truck Trailers,
Passenger Carriers and Replacement Parts

It is hereby ordered that: § 976.1, as amended (Limitation order No. L-1-a), issued September 12, 1941, shall continue in effect until the 31st day of December 1941, unless sooner revoked by the Director of Priorities.

In order to make this extension effective it is hereby ordered that § 976.1 (b) as amended be amended to read as follows:

§ 976.1 General limitation order No. L-1-a.

* * * * *

16 F.R. 4732.

(b) General restriction. During the period commencing September 1, 1941, and ending December 31, 1941: (1) A Producer shall not manufacture more than two-thirds the number of Medium Motor Trucks, Truck Trailers and Passenger Carriers, as the case may be, produced by him during the period from January 1, 1941, to June 30, 1941.

(2) A Producer shall not manufacture for replacement purposes more than 80% of that number of Defined Parts sold by him for replacement purposes during the period from January 1, 1941, to June 30, 1941.

(3) The determination of the number of each category of vehicles produced, or of each category of parts sold, during the period from January 1, 1941, to June 30, 1941, shall exclude, and the foregoing limitation upon the number of each category of vehicles or parts which may be produced by any Producer during the four-month period, September 1, 1941, to December 31, 1941, shall not apply to any such vehicles or parts produced under contracts or orders for delivery to or for the account of:

(i) the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics, the Office of Scientific Research and Development;

(ii) the government of any of the following countries: the United Kingdom, Canada, and other Dominions, Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, the Kingdom of the Netherlands, Norway, Poland, Russia and Yugoslavia;

(iii) any agency of the United States Government for material or equipment to be delivered to, or for the account of, the government of any country listed above, or any other country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States." (Lend-Lease Act.)

(4) Each Producer must comply with such directions and instructions as may be issued from time to time by the Director of Priorities of the Office of Production Management with respect to the reduction or elimination of scarce materials in the production of motor trucks, truck-trailers, passenger carriers and parts or components therefor. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596, as amended Sept. 12, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session.)

Issued this 15th day of October 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-7745; Filed, October 15, 1941;
9:57 a. m.]

PART 976—MOTOR TRUCKS, TRUCK TRAILERS,
AND PASSENGER CARRIERS*Extension No. 1 of Limited Preference
Rating Order No. P-54, Material En-
tering Into the Production of Defense
Products*

It is hereby ordered that § 976.2 (Limited preference rating order No. P-54),¹ issued September 12, 1941, shall continue in effect until the 31st day of December, 1941, unless sooner revoked by the Director of Priorities.

In order to make this extension effective it is hereby ordered that § 976.2 (e) (3) be amended to read as follows:

§ 976.2 Preference rating order P-54.

(e) Restrictions on application of rating.

(3) By a producer or a supplier. (1) Unless the Material to be delivered cannot be obtained when required without such rating,

(ii) to obtain deliveries earlier than required,

(iii) to deliveries of Materials on purchase orders placed after December 1, 1941,

(iv) to deliveries of Materials on purchase orders calling for delivery after December 31, 1941. (F.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596, as amended Sept. 12, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941; 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session.)

Issued this 15th day of October 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-7744; Filed, October 15, 1941;
9:57 a. m.]

TITLE 43—PUBLIC LANDS:
INTERIOR

CHAPTER III—GRAZING SERVICE

PART 502—LIST OF ORDERS CREATING OR
MODIFYING GRAZING DISTRICTSMODIFICATION OF OREGON GRAZING DISTRICT
NO. 2²

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended, Departmental order of July 9, 1935, establishing Oregon Grazing District No. 2, is hereby revoked as far as it affects the following-described lands, such revocation to be effective upon the inclusion of the lands within the Squaw Butte Experimental Station:

¹ 6 F.R. 4731.

² Affects tabulation in § 502.1d.

OREGON

Williamette Meridian

T. 24 S., R. 25 E., secs. 8 to 17, and secs. 20 to 29, inclusive;

Sec. 1, S $\frac{1}{2}$;

Sec. 2, S $\frac{1}{2}$;

Sec. 3, S $\frac{1}{2}$;

Sec. 4, S $\frac{1}{2}$;

Sec. 5, S $\frac{1}{2}$;

Sec. 32, N $\frac{1}{2}$;

Sec. 33, N $\frac{1}{2}$;

Sec. 34, N $\frac{1}{2}$;

Sec. 35, N $\frac{1}{2}$;

Sec. 36, N $\frac{1}{2}$;

T. 24 S., R. 26 E., Sec. 6, lots 6 and 7.

HAROLD L. ICKES,

Secretary of the Interior.

JULY 1, 1941.

[F. R. Doc. 41-7741; Filed, October 15, 1941;
10:00 a. m.]

Notices

WAR DEPARTMENT.

[Contract No. W 398 qm-10858;
O. I. No. 801]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: YELLOW TRUCK & COACH
MANUFACTURING CO. (GENERAL MOTORS
TRUCK & COACH DIVISION), PONTIAC,
MICHIGAN.

Contract for: Trucks * * *

Amount: \$1,027,229.06.

Place: Holabird Quatermaster Depot,
Baltimore, Maryland.

This contract, entered into this 18th
day of September 1941.

Scope of this contract. The con-
tractor shall furnish and deliver * * *
Trucks * * * for the consideration
\$1,027,229.06 in strict accordance with
the specifications, schedules and draw-
ings, all of which are made a part
hereof.

Changes. Where the supplies to be
furnished are to be specially manufac-
tured in accordance with drawings and
specifications, the contracting officer
may at any time, by a written order, and
without notice to the sureties, make
changes in the drawings or specifica-
tions, except Federal Specifications. Changes
as to shipment and packing of
all supplies may also be made as above
provided.

Delays—Damages. If the contractor
refuses or fails to make deliveries of
acceptable articles within the times
specified in Article 1, or any extension
or extensions thereof, the Government
may, by written notice, terminate the
right of the contractor to proceed with
the delivery of all or any portion of the
undelivered articles covered by this
contract.

Payments. The contractor shall be
paid, upon the submission of properly
certified invoices or vouchers, the prices
stipulated herein for articles delivered
and accepted or services rendered, less
deductions, if any, as herein provided.

Unless otherwise specified, payments will
be made on partial deliveries accepted by
the Government when the amount due
on such deliveries so warrants; or, when
requested by the contractor, payments
for accepted partial deliveries shall be
made whenever such payments would
equal or exceed either \$1,000 or 50 per-
cent of the total amount of the contract.

Termination when contractor not in
default. If, in the opinion of the con-
tracting officer upon the approval of the
Secretary of War, the best interests of
the Government so require, this contract
may be terminated by the Government,
even though the contractor be not in de-
fault, by a notice in writing relative
thereto from the contracting officer to
the contractor.

Terms of payment. Discount will be
allowed for prompt payment as fol-
lows: \$* * * per truck for payment
within twenty days.

The supplies and services to be ob-
tained by this instrument are authorized
by, are for the purpose set forth in, and
are chargeable to procurement authority:

P/A-QM 1801 P 37-30 A 0525.003-2

P/A-ORD 15113 P 11-12 A (1005).105-2

P/A-ORD 26135 P 3-12 A 1005-2

the available balance of which is suffi-
cient to cover cost of same.

This contract authorized under au-
thority of section 1 (a) Act of July 2,
1940 (Public No. 703, 76th Congress).

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-7738; Filed, October 15, 1941;
10:00 a. m.]

[Contract No. W 535 ac-20910; 5507]

SUMMARY OF COST-PLUS-A-FIXED-FEE
SUPPLY CONTRACT

CONTRACTOR: BELL AIRCRAFT CORPORATION

Contract for: * * * Airplanes,
Spare Parts therefor, Engineering Serv-
ices and Data.

Estimated cost: \$70,960,740.00.

Fixed fee: \$4,257,644.40.

The supplies and services to be ob-
tained by this instrument are authorized
by, and for the purpose set forth in, and
are chargeable to the following Procure-
ment Authorities, the available balances
of which are sufficient to cover the cost
of same:

AC 32 P 12-30 A 0705-2

AC 18 P 82-30 A 0705-2

This contract,¹ entered into this 14th
day of August 1941.

ARTICLE 1. Statement of work. The
Contractor shall, within the time speci-
fied manufacture, furnish and deliver to
the Government * * * Airplanes,

¹ Approved by the Under Secretary of War
August 25, 1941.

Spare Parts therefor, Engineering Services and Data.

ART. 2. *Estimated costs.*

Quantity	Estimated cost
* * * Airplanes.....	\$64,508,400.00
Spare parts for above airplanes.....	6,450,840.00
Data.....	1,500.00
Total estimated cost.....	70,960,740.00

ART. 3. *Consideration.* The Government will pay the Contractor upon satisfactory delivery of all items specified in the contract, subject to reimbursement for cost as outlined in Article 6 hereof, the cost, plus a fixed fee of four million two hundred fifty seven thousand six hundred forty four dollars and forty cents (\$4,257,644.40).

ART. 5. *Changes.* The Contracting Officer may, at any time, by a written order and without notice to the sureties, make changes in or additions to the drawings and specifications, issue additional instructions, require additional work, or direct the omission of work covered by the contract.

ART. 6. *Payments—(a) Reimbursement for cost.* The Government will currently reimburse the Contractor for such expenditures made in accordance with Article 3 as may be approved or ratified and upon certification to and verification by the Contracting Officer of the original signed payrolls for labor, the original paid invoices for materials or other original papers.

(b) *Payment of the fixed fee.* Ninety per cent (90%) of the fixed fee shall be paid as it accrues. Upon completion of the work and its final acceptance, any unpaid balance of the fee, including the additions thereto, if any, to which the Contractor may be entitled, as provided in said paragraph (a) of Article 3, shall be paid to the Contractor.

(c) *Advances.* Advance payments may be made from time to time for the supplies called for, when the Secretary of War deems such action necessary in the interest of national defense: *Provided, however,* That the total amount of money so advanced shall not exceed thirty per centum (30%) of the contract price of the articles called for, that such advances, as made, shall be upon such terms and conditions and with such adequate security as the Secretary of War shall prescribe.

ART. 9. *Termination of contract by Government.* Should the Contractor at any time refuse, neglect, or fail to prosecute the work with promptness and diligence, or default in the performance of any of the agreements herein contained, or should conditions arise which make it advisable or necessary in the interest of the Government that work be discontinued under this contract, the Government may terminate this contract by a notice in writing from the Contracting Officer to the Contractor.

ART. 22. *Title to property where partial payments are made.* The title to all property upon which any partial payment is

made prior to the completion of this contract, shall vest in the Government.

ART. 24. *Fire insurance.* The Contractor agrees to insure against fire all property in its possession upon which a partial payment is about to be made, such insurance to be in a sum at least equal to the amount of such payment plus all other partial payments, if any, theretofore made thereon, and further agrees to keep such property so insured, until the same is delivered to the Government. Such property is to be considered as delivered to the Government upon its final acceptance.

This contract authorized under the provisions of section 1 (a), Act of July 2, 1940 and section 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-7739; Filed, October 15, 1941;
10:00 a. m.]

[Contract No. W 535 ac-20291; 5340]

SUMMARY OF COST-PLUS-A-FIXED-FEE
SUPPLY CONTRACT

CONTRACTOR: DOUGLAS AIRCRAFT COMPANY,
INC., SANTA MONICA, CALIFORNIA

Contract for: * * * Airplanes,
Spare Parts Therefor and Data.

Estimated cost: \$166,336,500.00.

Fixed fee: \$9,980,190.00.

The supplies and services to be obtained by this instrument are authorized by, and for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover the cost of the same:

AC 32 P 12-30 A 0705-2

AC 18 P 82-30 A 0705-2

This contract,¹ entered into this 22nd day of August 1941.

ARTICLE 1. *Statement of work.* The Contractor shall, within the time specified in Article 4 hereof, manufacture, furnish and deliver to the Government * * * Airplanes, * * * Spare Parts and data.

ART. 2. *Estimated costs.*

Quantity	Estimated cost
* * * Airplanes and data.....	\$151,215,000.00
Spare parts for the above airplanes.....	15,121,500.00
Total estimated cost.....	\$166,336,500.00

ART. 3. *Consideration.* The Government will pay the Contractor upon satisfactory delivery of all items specified in this contract, subject to reimbursements for cost, as outlined in Article six (6) hereof, the cost, plus a fixed fee of nine million nine hundred eighty thousand one hundred ninety dollars (\$9,980,190.00).

¹ Approved by the Under Secretary of War August 28, 1941.

² This estimated cost does not include manufacturing license fees.

ART. 5. *Changes.* The Contracting Officer may, at any time, by a written order, make changes in or additions to the drawings and specifications, issue additional instructions, require additional work, or direct the omission of work covered by the contract.

ART. 6. *Payments—(a) Reimbursement for cost.* The Government will currently reimburse the Contractor, subject to the provisions of paragraph (c) of this Article 6, for such expenditures made in accordance with Article 3 hereof as may be approved or ratified by the Contracting Officer, and upon certification to and verification by the Contracting Officer of the original signed payrolls for labor, the original paid invoices for materials or other original papers.

(b) *Payment of the fixed fee.* Ninety per centum (90%) of the fixed fee set forth in paragraph (a) of Article 3 hereof shall be paid as it accrues, in monthly installments. Upon completion of the work and its final acceptance, any unpaid balance of the fee shall be paid to the Contractor.

(c) *Advance payments.* At any time and from time to time after the approval of this contract, the Government, at the request of the Contractor and subject to the approval of the Chief of the Air Corps as to the present need therefor, shall advance to the Contractor, without payment of interest thereon by the Contractor, sums not to exceed forty nine million nine hundred thousand nine hundred fifty dollars (\$49,900,950), or thirty per centum (30%) of the estimated cost of this contract, exclusive of the fixed fee.

ART. 9. *Termination of contract by Government.* Should the Contractor at any time refuse, neglect, or fail to prosecute the work with promptness and diligence or default in the performance of any of the agreements herein contained, or should conditions arise which make it advisable or necessary in the interest of the Government that work be discontinued under this contract, the Government may terminate this contract by a notice in writing from the Contracting Officer to the Contractor.

ART. 22. *Title to property.* The title to all work under this contract, completed or in the course of manufacture or assembly at the Contractor's plant, shall be in the Government. Upon deliveries at the Contractor's plant, or at an approved storage site, title to all purchased materials, parts assemblies, sub-assemblies, tools, machinery, equipment and supplies, for which the Contractor shall be entitled to be reimbursed hereunder shall vest in the Government.

ART. 24. *Fire insurance.* The Contractor agrees unless and until otherwise directed in writing by the Contracting Officer to insure against fire all property in its possession upon which an advance payment or a payment in reimbursement for cost is about to be made, such insurance to be in a sum at least equal to the amount of such payment plus all

other advance payments or payments in reimbursements for cost, if any, theretofore made thereon, and further agrees to keep such property so insured until the same is delivered to the Government.

ART. 41. *Termination upon demand of the contractor.* This contract is entered into on the assumption that the Emergency Plant Facilities which are essential to the performance by the Contractor of the production and delivery obligations of this contract are to be promptly and reasonably constructed and acquired either by the Government for the use of the Contractor for this contract (in which case the same shall be made available to the Contractor for the period necessary to performance) or by the Contractor under a mutually satisfactory agreement for reimbursement by the Government of the costs thereof. Accordingly, it is mutually agreed that in the event on or before * * * neither satisfactory agreements are entered into by the Contractor and the Government for the construction and equipment by the Government of said facilities nor a mutually satisfactory agreement, providing by a method approved by the Government for the construction or acquisition by the Contractor of said facilities, is executed and, if required, duly approved, then the Government will, at any time thereafter and prior to the execution and approval, if required, of such agreement or agreements, forthwith upon written demand of the Contractor terminate this contract with the same effect and upon the same terms and conditions as if this contract had been terminated by the Government for its convenience under Article 9.

This contract authorized under the provisions of section 1 (a), Act of July 2, 1940 and section 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-7740; Filed, October 15, 1941;
10:01 a. m.]

[Contract No. W-398-qm-30]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: THE WINTER WEISS COMPANY,
DENVER, COLORADO

Contract for: Trailers. * * *

Amount: \$1,096,200.00.

Place: Holabird Quartermaster Depot,
Baltimore, Maryland.

This contract, entered into this 30th day of June 1941.

Scope of this contract. The contractor shall furnish and deliver * * * trailers for the consideration \$1,096,200.00 in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufac-

tured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

Variations: Quantities listed hereon are subject to increase (or decrease) of not to exceed * * * %. This option to remain in effect until * * *.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 22000 P 243-30 A 0022-13 the available balance of which is sufficient to cover cost of same.

This contract authorized under section 1 (a), Act of July 2, 1940 (Public No. 703, 76th Congress).

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-7747; Filed, October 15, 1941;
10:25 a. m.]

[Contract No. W 535 ac-20883; 5480]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: GENERAL MOTORS CORPORATION, ALLISON DIVISION, INDIANAPOLIS, INDIANA

Contract¹ for: Maintenance Parts for Allison Type * * * Aeronautical Engines.

Amount: \$1,573,958.60.

Place: Materiel Division, Air Corps U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized

by, are for the purpose set forth in, and are chargeable to Procurement Authority AC 18 P 82-30 A 0705-2, the available balance of which is sufficient to cover cost of same.

This contract, entered into this 3d day of September 1941.

ARTICLE 1. *Scope of this contract.* The contractor shall furnish and deliver to the Government maintenance parts for Allison Type * * * Aeronautical Engines for the consideration stated one million five hundred seventy three thousand nine hundred fifty eight dollars and sixty cents (\$1,573,958.60) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

ART. 2. *Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

ART. 5. *Delays—Damages.* If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

ART. 8. *Payments.* The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

ART. 21. *Termination when contractor not in default.* If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract authorized under the provisions of section 1 (a), Act of July 2, 1940, and sec. 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-7748; Filed, October 15, 1941;
10:25 a. m.]

¹ Approved by the Under Secretary of War Sept. 18, 1941.

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-23]

IN THE MATTER OF NICK LUCIANI & SONS,
A PARTNERSHIP, CODE MEMBER, DE-
FENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated August 21, 1941, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on August 25, 1941, by Bituminous Coal Producers Board for District No. 18, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on December 1, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Hilton Hotel, Albuquerque, New Mexico.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director

or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: By selling and delivering during the months of October, November, and December, 1940, to various persons at the mine for truck shipment, approximately 239 net tons of 1½" lump (bar screen) coal, Size Group No. 2, produced at their Peacock Mine, Mine Index No. 113, located in Sandoval County, New Mexico, in District No. 18, at a price of \$3.00 per net ton, whereas the effective minimum price established for such coal, at the time of said transactions, was \$3.65 per net ton f. o. b. the mine, as set forth in the Schedule of Effective Minimum Prices for District No. 18 for All Shipments.

Dated: October 13, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-7750; Filed, October 15, 1941;
10:39 a. m.]

[Docket No. B-49]

IN THE MATTER OF C. P. FOX, CODE
MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated September 16, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on September 24, 1941, by Bituminous Coal Producers Board for District No. 8, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on December 11, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the U. S. Court Room, Federal Building, London, Kentucky.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby au-

thorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: The defendant, C. F. Fox, Wilton, Kentucky, sold during the period from January 1, 1941 to May 1, 1941, both dates inclusive, to Homer Moore, Corbin, Kentucky, approximately 30 tons of 2" and under slack coal produced by the defendant at his mine, Mine Index No. 2597, located near Woodbine, Knox County, Kentucky, Subdistrict No. 6 of District 8, at prices ranging from 25 cents to 50 cents per net ton f. o. b. said mine, whereas said coal was classified as Size Group 7 and priced at \$1.55 per net ton f. o. b. said mine as

shown in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments, which transactions constituted sales of coal at prices below the minimum established therefor.

Dated: October 13, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-7751; Filed, October 15, 1941;
10:39 a. m.]

[Docket No. B-25]

IN THE MATTER OF A. H. McCrory, CODE
MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated June 26, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on June 30, 1941, by Bituminous Coal Producers Board for District No. 18, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on December 2, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Hilton Hotel, Albuquerque, New Mexico.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

No. 202—2

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: That the defendant, whose address is R. F. D. No. 4, Box 1216, Albuquerque, New Mexico, during January, 1941, sold substantial quantities of 2½" x 1" coal produced at his Sunny Slope Mine, Mine Index No. 127, at \$2.00 per net ton f. o. b. said mine, whereas, since the defendant had no price classification for this size coal, such coal should have been priced at \$3.65, the price for Size Group No. 2, in accordance with Price Instruction No. 5 of the Schedule of Effective Minimum Prices for District No. 18, For All Shipments, which provides that if any size of coal falls within a size group and classification for which no price is listed, such size shall be priced at the price applicable to the size group for the next larger size for which a price is listed for the same mine.

Dated: October 13, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-7752; Filed, October 15, 1941;
10:39 a. m.]

[Docket No. 1861-FD]

IN THE MATTER OF VANCUENEROCK COAL
COMPANY (A PARTNERSHIP), CODE MEM-
BER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated August 8, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on August 11, 1941, by the Bituminous Coal Producers Board for District No. 12, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bitu-

minous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on November 28, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the State Capitol Building, Des Moines, Iowa.

It is further ordered, That Joseph D. Dermody or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said com-

plainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: (a) That the defendant, Vancuenebrock Coal Company, Knoxville, Iowa, during the period October 1, 1940, and July 1, 1941, both dates inclusive, sold approximately 317 tons of 8" x 2" egg coal produced at its Vancuenebrock No. 1 Mine (Mine Index No. 494) located in Marion County, Iowa, District No. 12, to the Beebout Coal Company at Knoxville, Iowa, at a price of \$1.70 per net ton f. o. b. the mine which was less than the applicable minimum price as contained in the Schedule of Effective Minimum Prices for District No. 12 for Truck Shipments; and (b) the 8" x 2" egg sold by the Vancuenebrock Coal Company in the transactions hereinabove described, was substituted for screenings.

Dated: October 13, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7753; Filed, October 15, 1941;
10:40 a. m.]

[Docket No. B-27]

IN THE MATTER OF CANONCITO COAL COMPANY, A CORPORATION, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated June 26, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on June 30, 1941, by Bituminous Coal Producers Board for District No. 18 a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on December 2, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Hilton Hotel, Albuquerque, New Mexico.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recom-

mendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301-123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: that the defendant, whose address is 518 North First Street, Albuquerque, New Mexico, during the period November 12, 1940 to December 30, 1940, both dates inclusive, has sold to various purchasers listed below approximately 35.6 tons of 1" x 0 slack coal produced at defendant's Canoncito Mine, Mine Index No. 137, at a price of \$1.00 per net ton f. o. b. the mine, whereas such coal is classified as Size Group 12 and priced at \$1.70 per net ton f. o. b. said mine, as contained in the Schedule of Effective Minimum Prices for District No. 18, For All Shipments.

Name of purchaser	Date of sale	Tons
C. M. Donaldson, Albuquerque...	Nov. 15, 1940.	2.5
W. H. King, Albuquerque...	Dec. 15, 1940.	1
St. Anthony O., Albuquerque...	Dec. 5, 1940.	2.75
St. Anthony O., Albuquerque...	Nov. 15, 1940.	2.675
St. Anthony O., Albuquerque...	Nov. 18, 1940.	2.75
St. Anthony O., Albuquerque...	Nov. 13, 1940.	2.35
St. Anthony O., Albuquerque...	Nov. 12, 1940.	2.25
St. Anthony O., Albuquerque...	Nov. 18, 1940.	2.675
South Arno Yard, Albuquerque...	Dec. 30, 1940.	5
St. Anthony O., Albuquerque...	Dec. 30, 1940.	2.8
C. Pizano, Albuquerque...	Dec. 26, 1940.	1

Name of purchaser	Date of sale	Tons
Joe Black, Albuquerque...	Dec. 26, 1940.	3
E. R. Ruby, Albuquerque...	Dec. 22, 1940.	.75
Walter S. Carr, Albuquerque...	Dec. 22, 1940.	2.05
Rafael Drager, Albuquerque...	Dec. 20, 1940.	3.1

Dated: October 13, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7754; Filed, October 15, 1941;
10:40 a. m.]

[Docket No. 1808-FD]

IN THE MATTER OF ALBUQUERQUE & CERRILLOS COAL COMPANY, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

Earle Stucker, a member of Bituminous Coal Producers Board for District No. 18 and Representative of the United Mine Workers of America, District 15, Local Union No. 6920, having filed with the Bituminous Coal Division, pursuant to section 9 (c) of the Bituminous Coal Act of 1937, a complaint alleging non-compliance with the provisions of section 9 (a) of the Act by the above-named defendant;

It is ordered, That a hearing on such complaint be held on November 10, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division at the Hilton Hotel, Albuquerque, New Mexico.

It is further ordered, That Joseph D. Dermody or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or by adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to the complainant, to the defendant, and to any other person who may have an interest in such proceeding. Any person desiring to be heard or to be admitted as a party to such proceeding may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the

Bituminous Coal Division at its Washington Office or with any one of the field offices of the Division, within twenty (20) days after date of service thereof on the defendant and that any defendant failing to answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant alleging violation by the above-named defendant of section 9 of the Bituminous Coal Act of 1937 as follows:

By refusing to bargain collectively with its employees with respect to their hours of labor, wages and working conditions through representatives of their own choosing, without restraint, coercion and interference on the part of the above-named defendant:

By interfering with, restraining and coercing employees in the exercise of their rights to bargain collectively with respect to their hours of labor, wages and working conditions through representatives of their own choosing;

By requiring employees, as a condition of employment with defendant, to join an association of employees for collective bargaining in the management of which defendant exercises direction and control, and by requiring employees to contribute to an employees' fund for which the said defendant "checks-off" a sum from the employees' wages for monthly dues which are paid to an officer of defendant;

By paying to its employees who are engaged in the production of coal for sale to the United States and agencies thereof, wages based on a wage scale which is less than that proposed by Local Union 6920, District No. 15 of the United Mine Workers of America, notwithstanding that said Local Union 6920, District No. 15 of the United Mine Workers of America, has been declared by the National Labor Relations Board, by its Order dated January 18, 1940, entered in a proceeding styled "In the Matter of Albuquerque & Cerrillos Coal Company (No Stockholders Liability) and United Mine Workers of America, District No. 15," to be the exclusive representative of all such employees for the purposes of collective bargaining in respect to rates of pay,

wages, hours of employment and other conditions of employment.

Dated: October 13, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-7755; Filed, October 15, 1941;
10:41 a. m.]

[Docket No. B-29]

IN THE MATTER OF CHIARAMONTE COAL
COMPANY (JOE CHIARAMONTE) A PART-
NERSHIP, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated June 26, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on June 30, 1941, by Bituminous Coal Producers Board for District No. 18, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on December 4, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Hilton Hotel, Albuquerque, New Mexico.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

By selling and delivering by truck 112.5 net tons of slack coal during January 1941 produced by defendant, Chiaramonte Coal Company, 410 West Coal Street, Gallup, New Mexico, at his Chiaramonte Mine (Mine Index No. 106), located near Gallup, New Mexico, to the Gallup Mercantile Company, located at Gallup, New Mexico, at a delivered price of \$1.90 per net ton whereas the effective minimum price for such coal for truck shipment was \$1.90 per net ton f. o. b. the Chiaramonte Mine plus at least the actual cost of transportation thereof to the Gallup Mercantile Company at Gallup, New Mexico.

Dated: October 13, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-7756; Filed, October 15, 1941;
10:41 a. m.]

[Docket No. B-30]

IN THE MATTER OF CHIARAMONTE COAL
COMPANY (JOE CHIARAMONTE) A PART-
NERSHIP, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated June 26, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on June 30, 1941, by Bituminous Coal Producers Board for District No. 18, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on December 4, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Hilton Hotel, Albuquerque, New Mexico.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

I. By selling and delivering by truck subsequent to September 30, 1940, substantial quantities of dedusted slack coal produced by defendant, Chiaramonte Coal Company, 410 West Coal Street, Gallup, New Mexico, at its Chiaramonte Mine located near Gallup, New Mexico, to the Gallup Mercantile Company, Gallup, New Mexico, at a delivered price of \$1.75 per net ton whereas the effective minimum price for such coal for truck shipment was \$3.00 per net ton f. o. b. mine plus at least the actual cost of transportation from the Chiaramonte Mine to the Gallup Mercantile Company at Gallup, New Mexico.

II. By selling, subsequent to September 30, 1940, approximately 100 net tons of lump coal produced at his Chiaramonte Mine to the White Elephant Storage Company, Gallup, New Mexico, at an f. o. b. mine price of \$4.00 per net ton whereas the effective minimum price f. o. b. the mine for such coal was \$4.25 per net ton.

III. By selling, subsequent to September 30, 1940, approximately 62 net tons of engine coal produced at his Chiaramonte Mine to various purchasers at an f. o. b. mine price of \$3.35 per net ton whereas the effective minimum price f. o. b. the mine for such coal was \$4.00 per net ton.

IV. By selling, subsequent to September 30, 1940, approximately 2½ net tons of nut coal produced at his Chiaramonte Mine, to various purchasers at an f. o. b. mine price of \$3.35 per net ton whereas the effective minimum price f. o. b. the mine for such coal was \$3.50 per net ton.

Dated: October 13, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-7757; Filed, October 15, 1941;
10:41 a. m.]

[Docket No. 1623-FD]

IN THE MATTER OF POWER FUEL COMPANY, INC., REGISTRATION NO. 7427, RESPONDENT

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing on October 14, 1941, at a hearing room and place to be designated by an appropriate order of the Director; and

It appearing to the Director that it is advisable to postpone said hearing;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and the same is hereby postponed until 2 o'clock in the afternoon of November 4, 1941, at a hearing room and place to be designated by an appropriate order of the Director.

Dated: October 13, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-7758; Filed, October 15, 1941;
10:42 a. m.]

[Docket No. 1624-FD]

IN THE MATTER OF COAL HILL MINING COMPANY, REGISTRATION NO. 1675, RESPONDENT

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing on October 14, 1941, at a hearing room and place to be designated by an appropriate order of the Director; and

It appearing to the Director that it is advisable to postpone said hearing;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and the same is hereby postponed until 2 o'clock in the afternoon of November 4, 1941, at a hearing room and place to be designated by an appropriate order of the Director.

Dated: October 13, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-7759; Filed, October 15, 1941;
10:42 a. m.]

[Docket No. A-383]

PETITION OF DISTRICT BOARD NO. 11, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE CHINOOK MINE OF THE AYRSHIRE PATOKA COLLIERIES CORPORATION

MEMORANDUM OPINION AND ORDER DENYING TEMPORARY RELIEF

Bituminous Coal Producers Board for District 11 filed with the Bituminous Coal Division a petition in the above-entitled matter on November 19, 1940, pursuant to the provisions of section 4 II (d) of the Bituminous Coal Act of 1937, in which it requested the Division to establish certain temporary and permanent price classifications and minimum f. o. b. mine prices for theretofore unpriced and unclassified coals to be produced at the Chinook Mine (Mine Index No. 121) of the Ayrshire Patoka Collieries Corporation, a code member of District No. 11.

Ayrshire Patoka Collieries Corporation filed a petition on November 20, 1940, with the Division praying that leave to intervene be granted, that the Director order an immediate informal conference to fix proper price classifications and temporary minimum prices, and that the price classifications and minimum prices proposed by the original petitioner for coals in Size Groups 13 to 16 and 26 to 29, both inclusive, and f. o. b. mine prices for shipments to railroads be granted, but the remaining price classifications and minimum prices proposed by the original petitioner be denied and that in lieu thereof there be established certain price classifications and minimum prices proposed by the intervener.

An informal conference in this matter was held on November 25, 1940, at which all interested parties were afforded an opportunity to appear and be heard.

On December 12, 1940, the Director entered an Order which granted, pend-

ing final disposition of the petitions, the temporary relief prayed for by the original petitioner and denied the temporary relief prayed for by the intervenor.

The intervenor, pursuant to an Order of the Director dated August 27, 1941, was granted leave to amend its petition of intervention and amended its original petition to request a minimum price of \$1.55, \$1.45 and \$1.15 for its coals in Size Groups 23, 24 and 25, respectively, and requested the granting of immediate temporary relief upon the close of the hearing for Size Groups 23, 24 and 25.

A hearing in this matter was held on August 28, 1941, pursuant to an Order of the Director dated August 21, 1941, before Charles O. Fowler, a duly designated Examiner of the Division, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard.

At the close of the hearing the intervenor filed with the Examiner a motion for transmittal to the Director requesting immediate temporary relief by the establishment of effective minimum prices of \$1.55, \$1.45 and \$1.15, respectively, for coals in Size Groups 23, 24 and 25 for shipment by rail to all market areas.

The Examiner granted interested parties until October 2, 1941, to file briefs in connection with this motion for temporary relief and a memorandum in support of the motion for temporary relief was filed on October 2, 1941, by Ayrshire Patoka Collieries Corporation, and one in opposition thereto was tardily filed on October 9, 1941, by District Board 11.

The Director has examined the record in this matter and has determined that the resolution of the issues raised herein would have a considerable effect upon the interest of other producers who sell coal in competition with those produced at the Chinook Mine. The issues involved herein are very complex and controversial. To grant the temporary relief prayed for by the intervenor before a more detailed consideration of the issues might seriously jeopardize the interest of interested parties. It seems desirable to delay any further action in this proceeding until a more detailed consideration of the record may be made and until the Examiner's Report may be considered. Moreover, no clear showing has been made that substantial irreparable injury would result if temporary relief were not granted.

Now, therefore, it is ordered, That the motion for temporary relief filed at the conclusion of the hearing and that part of the amended petition to intervene praying for immediate temporary relief at the conclusion of the hearing by the establishment for the coals of the Chinook Mine, minimum prices of \$1.55, \$1.45, and \$1.15 in Size Groups 23, 24, and 25, respectively, for shipment by rail to all market areas should each be and each hereby is denied.

Nothing herein shall be construed as a ruling or expression of the Director's

opinion concerning the final disposition of this proceeding.

Dated: October 14, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-7760; Filed, October 15, 1941;
10:42 a. m.]

[Docket No. 1780-FD]

IN THE MATTER OF EDWIN R. EBERHART,
DEFENDANT

ORDER EXTENDING TIME TO FILE ANSWER

Edwin R. Eberhart, defendant, having filed with the Division on October 1, 1941, its answer in the above-entitled matter together with a motion requesting permission to file said answer on said date and having shown good cause therein why said motion should be granted,

Now, therefore, it is ordered, That the time within which the defendant may file its answer in the above-entitled proceeding be and the same hereby is extended to include the date of the filing of said answer.

Dated: October 13, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-7761; Filed, October 15, 1941;
10:44 a. m.]

[Docket No. 1703-FD]

IN THE MATTER OF BENCHLEY & VERMIL-
LION COAL COMPANY, DEFENDANT

ORDER EXTENDING TIME TO FILE ANSWER

Benchley & Vermillion Coal Company, defendant, having filed with the Division on October 1, 1941, its answer in the above-entitled matter together with a motion requesting permission to file said answer on said date and having shown good cause therein why said motion should be granted.

Now, therefore, it is ordered, That the time within which the defendant may file its answer in the above-entitled proceeding be and the same hereby is extended to include the date of the filing of said answer.

Dated: October 13, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-7762; Filed, October 15, 1941;
10:44 a. m.]

[Docket No. 1487-FD]

IN THE MATTER OF BEELER AND ROWLAND,
DEFENDANT

ORDER APPROVING AND ADOPTING THE PRO-
POSED FINDINGS OF FACT, PROPOSED CON-
CLUSIONS OF LAW, AND RECOMMENDATIONS
OF THE EXAMINER, AND REVOKING CODE
MEMBERSHIP

This proceeding having been instituted upon a complaint filed with the Bituminous Coal Division on December 2, 1940, pursuant to sections 4 II (j) and 5 (b)

of the Bituminous Coal Act of 1937, by Clark Coal Company (W. T. Clark), a code member in District 15, the complainant, alleging that Beeler and Rowland (a partnership composed of C. W. Beeler and J. B. Rowland), the defendant, a code member in District 15, willfully violated the Bituminous Coal Code and the effective minimum prices, and praying that the Division either cancel and revoke the defendant's code membership, or, in its discretion, direct the defendant to cease and desist from violation of the Code and effective minimum prices. At the hearing, the original complaint was amended so as to charge such violations from November 1, 1940, to the date of the hearing by both the partnership of Beeler and Rowland and by J. B. Rowland, as an individual;

Pursuant to an appropriate order, and after due notice to all interested persons, a public hearing in this matter having been held on February 14, 1941, in Unionville, Missouri, before Charles O. Fowler, a duly designated Examiner of the Division;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations in this matter, dated September 11, 1941, recommending that the code membership of J. B. Rowland be revoked and that the complaint be dismissed as against Beeler and Rowland, a partnership, and against C. W. Beeler, as an individual;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs and no such exceptions or supporting briefs having been filed;

It having been determined that the Proposed Findings of Fact and Proposed Conclusions of Law, and recommendations of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is therefore ordered, That, the Proposed Findings of Fact and Conclusions of Law of the Examiner be and the same are hereby approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is further ordered, That, pursuant to section 5 (b) of the Act, the code membership of the defendant, J. B. Rowland, is hereby revoked and cancelled;

It is further ordered, That, prior to any reinstatement of the defendant, J. B. Rowland, to membership in the Code the defendant shall pay to the United States a tax in the amount of \$514.43 as provided in section 5 (c) of the Bituminous Coal Act of 1937;

And it is further ordered, That, the complaint as amended be dismissed as against Beeler and Rowland, a partnership, and as against C. W. Beeler, an individual.

Dated: October 14, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-7763; Filed, October 15, 1941;
10:44 a. m.]

[Docket No. 1593-FD]

IN THE MATTER OF M. K. AND K. COAL COMPANY, A PARTNERSHIP, DEFENDANT

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW AND RECOMMENDATIONS OF THE EXAMINER, AND REVOKING AND CANCELLING CODE MEMBERSHIP

This proceeding having been instituted upon a complaint filed with the Bituminous Coal Division, by the Bituminous Coal Producers Board for District No. 12, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging that the M. K. and K. Coal Company, a partnership comprised of George Kincaid, J. O. Metz, Everett King and Dale King, a code member in District 12, had willfully violated the Schedule of Effective Minimum Prices for District 12 For Truck Shipment, *inter alia*, by selling screenings (Size Group 8) produced at defendant's mine (Mine Index No. 525) located near Hamilton, Iowa, for shipment by truck at \$1.00 per ton f. o. b. the mine, whereas the effective minimum price for such coal is \$1.60 per ton f. o. b. the mine, and praying that the Division either cancel and revoke the defendant's code membership or, in its discretion, direct the defendant to cease and desist from violation of the Code and rules and regulations thereunder;

A hearing having been held before W. A. Shipman, a duly designated Examiner of the Division, at a hearing room thereof in Des Moines, Iowa, on April 9, 1941;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations in this matter, dated September 11, 1941, in which it was recommended that the defendant's code membership be revoked and canceled;

An opportunity having been afforded to all parties to file exceptions to the Examiner's report and supporting briefs, and no such exceptions or supporting briefs having been filed;

The undersigned having determined after a consideration of the record that the Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned:

It is therefore ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be and the same are hereby approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is further ordered, That pursuant to section 5 (b) of the Act the code membership of the defendant, M. K. and K. Coal Company, a partnership, operating Mine Index No. 525 near Hamilton, Iowa, be and it is hereby revoked and canceled;

And it is further ordered, That prior to any reinstatement of the defendant, the M. K. and K. Coal Company, or any

of its partners, George Kincaid, J. O. Metz, Everett King and Dale King, to membership in the Code, the defendant, or any of its partners, shall pay to the United States a tax in the amount of \$161.61, as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: October 14, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-7764; Filed, October 15, 1941;
10:45 a. m.]

[Docket No. 1611-FD]

IN THE MATTER OF E. M. LEEPER, DEFENDANT

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW AND RECOMMENDATIONS OF THE EXAMINER, AND REVOKING AND CANCELLING CODE MEMBERSHIP

This proceeding having been instituted upon a complaint filed with the Bituminous Coal Division on March 10, 1941, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by the Bituminous Coal Producers Board for District 15, alleging that E. M. Leeper, defendant, a code member in District 15, had willfully violated the provisions of the Bituminous Coal Code and rules and regulations thereunder by selling, since February 18, 1941, substantial quantities of lump coal (Size Group 1), produced at his mine (Mine Index No. 764), located in Putnam County, Missouri, at a price of \$2.10 per ton f. o. b. the mine, whereas the effective minimum price for this coal is \$2.30 per ton f. o. b. the mine, and praying that the Division either cancel and revoke the defendant's code membership, or, in its discretion, direct the defendant to cease and desist from violation of the Code and rules and regulations thereunder;

A hearing having been held before W. A. Shipman, a duly designated Examiner of the Division, at a hearing room thereof in Unionville, Missouri, on May 23, 1941;

The Examiner having made Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations in this matter, dated September 9, 1941, in which it was recommended that the defendant's code membership be revoked and canceled;

An opportunity having been afforded to all parties to file exceptions to the Examiner's report and supporting briefs, and no such exceptions or supporting briefs having been filed;

The undersigned having determined after a consideration of the record that the Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned:

It is therefore ordered, That the Proposed Findings of Fact and Proposed

Conclusions of Law of the Examiner be and the same are hereby approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is further ordered, That pursuant to section 5 (b) of the Act, the code membership of the defendant, E. M. Leeper, operating Mine Index No. 764, located in Putnam County, Missouri, be and it is hereby revoked and canceled;

And it is further ordered, That, prior to any reinstatement of the defendant, E. M. Leeper, to membership in the Code, the defendant shall pay to the United States a tax in the amount of \$150.69, as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: October 14, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-7765; Filed, October 15, 1941;
10:45 a. m.]

[Docket No. A-905]

PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES, FOR ALL SHIPMENTS EXCEPT TRUCK, FOR MIXTURES OF CERTAIN COALS IN DISTRICT NO. 1

ORDER OF DIRECTOR APPROVING AND ADOPTING PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW AND RECOMMENDATIONS OF THE EXAMINER

This proceeding having been instituted by a petition filed by District Board 1 with the Bituminous Coal Division pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 requesting the establishment of a "temporary" price classification "H" in Size Groups 1 to 3, and "J" in Size Groups 4 and 5 for coals produced at the Cadogan Mine (Mine Index No. 76) of the Allegheny River Mining Company, a code member producer in District 1, when mixed with the coals of various other mines;

A hearing having been held in this matter before Travis Williams, a duly designated Examiner of the Division at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to participate fully in the proceedings;

The petitioner and District Board 2 having appeared at the hearing;

Examiner Travis Williams having filed with the Director on September 4, 1941, his Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations, in which it is recommended that petitioner's request for relief herein be denied;

No exceptions having been filed with the Division to the Examiner's recommendation;

The undersigned having considered the record in this matter and having determined that the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

Now therefore it is ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be and they hereby are adopted as the Findings of Fact and Conclusions of Law of the undersigned; and

It is further ordered, That the prayer for relief in this proceeding be and it is hereby denied.

Dated: October 14, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-7766; Filed, October 15, 1941;
10:45 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective October 16, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel

The following certificates at the rate of 75% of the applicable hourly minimum wage.

Barson and Bishop, Franklin Street, Weissport, Pennsylvania; Ladies' Sportswear and Blouses; 10 percent; October 16, 1942.

Bestfit Apron and Underwear Company, Inc., 45 West 27th Street, New York, New York; Aprons; 5 learners; October 16, 1942.

Bestfit Apron and Underwear Company, Inc., 9 Grove Street, Westwood, New Jersey; Pinafore Aprons; 13 learners; March 26, 1942.

H. Bomze and Brother, Broad Street, Elmer, New Jersey; Ladies' Cotton & Rayon Dresses; 10 percent; October 16, 1942.

Cameraland Sportswear and L. A. Neckwear Manufacturing Company (Men's Sport Shirts Department), 719 S. Los Angeles Street, Los Angeles, California; Men's Sport Shirts; 3 learners; October 16, 1942.

Chesnin and Leis, Inc., Pine Street, Walden, New York; Ladies' Underwear; 10 percent; October 16, 1942. (This certificate replaces one issued bearing expiration date of July 10, 1942.)

Chesnin and Leis, Inc., Main Street, Walden, New York; Ladies' Outwear; 10 percent; October 16, 1942.

Chesnin and Leis, Inc., 31 Liberty Street, Newburgh, New York; Ladies' Underwear and Outerwear; 10 percent; October 16, 1942. (This certificate replaces one issued bearing expiration date of August 7, 1942.)

Cluett, Peabody and Company, Inc., First Street, Leominster, Massachusetts; Men's Shirts; 10 percent; October 16, 1942.

Coast-to-Coast Neckwear Company, 2309 East Fourth Street, Los Angeles, California; Neckties; 2 learners; April 16, 1942.

Colonial Manufacturing Company, 2362 University Avenue, St. Paul, Minnesota; Aprons, Stamped Goods; 8 learners; October 16, 1942.

Dixie Lee Garment Company, 220 Franklin Street, Johnstown, Pennsylvania; Dresses; 5 learners; October 16, 1942.

Hyman Frank, 60 Hazel Street, Glen Cove, New York; Boys' Shirts; 10 learners; October 16, 1942.

Freeburg Manufacturing Company, Freeburg, Illinois; Dresses; 50 learners; April 9, 1942.

Gem Frock Company, 445 North Darlen Street, Philadelphia, Pennsylvania; Dresses; 5 learners; October 16, 1942.

Grant Apparel Manufacturing Company, 1240 S. Main Street, Los Angeles, California; Blouses, Women's Shirts and Women's Sportswear; 10 percent; October 16, 1942.

Gross Galesburg Company, 152 E. Ferris Street, Galesburg, Illinois; Single Pants, Overalls, Coveralls & Work Shirts; 10 percent; October 16, 1942.

Haspel Brothers, Inc., 2527 St. Bernard Avenue, New Orleans, Louisiana; Men's Summer Suits and Odd Trousers; 5 percent; October 16, 1942.

H. H. Hoover Company, Inc., Lindeke Building, St. Paul, Minnesota; Nurses' Uniforms and Utility Garments, School Uniforms; 2 learners; October 16, 1942.

Jeanette Frocks Manufacturing Company, 400 First Avenue North, Minneapolis, Minnesota; Dresses; 8 learners; October 16, 1942.

K & O Manufacturing Company, Inc., Pleasant Street, Fall River, Massachusetts; Dresses, Sportswear; 10 percent; October 16, 1942.

Louis Kazon, Marble Street, West Rutland, Vermont; Dresses; 10 percent; October 16, 1942.

Joseph Malouf Company, 755 Market Street, San Francisco, California; Slips; 10 learners; October 16, 1942.

Martin-Jay Dress Corporation, 143 West Main Street, Amsterdam, New York; Women's Dresses; 10 learners; October 16, 1942.

Martin Shirt Company, 207 South Main Street, Shenandoah, Pennsylvania; Ladies' Cotton Blouses, Boys' Shirts; 10 percent; October 16, 1942.

Middendorf Brothers, 925 Filbert Street, Philadelphia, Pennsylvania; Linerie; 5 learners; October 16, 1942.

Novick and Kahn, 31 West 27th Street, New York, New York; Ladies' Knitted Girdles; 10 percent; January 29, 1942.

Oshkosh B'Gosh, Inc., 33 Otter Street, Oshkosh, Wisconsin; Overalls, Work Pants; 5 percent; October 16, 1942.

Picariello & Singer, Inc., 16 New Street, East Boston, Massachusetts; Boys' Clothing; 5 percent; October 16, 1942.

Pinkneyville Manufacturing Company, Pinkneyville, Illinois; Dresses; 40 learners; April 9, 1942.

Quality Manufacturing Company, Point Pleasant, West Virginia; Dresses; 7 learners; October 16, 1942.

Reliance Manufacturing Company, Ferguson Street, Hattiesburg, Mississippi; U. S. Army Mechanic Suits, Work Shirts; 10 percent; October 16, 1942. (This certificate replaces the ones issued bearing expiration dates of October 29, 1941 and November 3, 1941.)

Rob Roy Shirt Company, Race Street, Cambridge, Maryland; Shirts; 10 percent; October 16, 1942. (This certificate replaces one issued bearing expiration date of February 27, 1942.)

Supak and Sons Garment Manufacturing Company, 430 First Avenue, North, Minneapolis, Minnesota; Snow Suits & Slack Suits; 5 learners; October 16, 1942.

Standard Garment Company, Inc., Dallastown, Pennsylvania; Dresses; 10 learners; October 16, 1942.

Standard Garment Company, Inc., N. Peters Street, New Oxford, Pennsylvania; Dresses; 10 learners; October 16, 1942.

Standard Garment Company, Inc., 625 Locust Street, Columbia, Pennsylvania; Dresses; 10 learners; October 16, 1942.

Standard Garment Company, Inc., Millersville, Pennsylvania; Dresses; 10 learners; October 16, 1942.

Star Foundations, Inc., 39 West 32nd Street, New York, New York; Corsettes, Corsets, Girdles; 10 percent; January 29, 1942.

Max Ulman, Inc., 495 Broadway, Kingston, New York; Misses' & Ladies' Cotton Dresses; 10 learners; October 16, 1942.

Van Sen, Inc., 8 West 30th Street, New York, New York; Corsets; 10 percent; January 29, 1942.

Wilson Brothers, 1000 Layne Avenue, Crawfordsville, Indiana; Shirts; 5 learners; October 16, 1942.

Yolanda Dress, 229 French Street, New Brunswick, New Jersey; Children's Dresses, Sun suits, Pinafores and Blouses; 2 learners; October 16, 1942. (This certificate replaces one issued bearing expiration date of December 16, 1941.)

Gloves

Johanson Glove Company, Inc., 70 Washington Street, Brooklyn, New York; Knit Fabric Gloves and Work Gloves; 5 learners; October 16, 1942.

Hosiery

Clayson Knitting Company, Star, North Carolina; Seamless Hosiery; 5 learners; October 16, 1942.

Collegedale Hosiery Mill, Collegedale, Tennessee; Full Fashioned Hosiery; 30 learners; June 16, 1942.

G. & H. Hosiery Company, Inc., 801 8th Avenue and 23rd Street, Hickory, North Carolina; Seamless Hosiery; 5 percent; October 16, 1942.

Georgia Hosiery Mills, N. Main Street, Blakely, Georgia; Seamless Hosiery; 5 learners; June 16, 1942.

Hiwassee Hosiery Mill, Inc., Cleveland, Tennessee; Seamless Hosiery; 5 learners; October 16, 1942.

Interwoven Stocking Company, Hagerstown, Maryland; Seamless Hosiery; 10 learners; June 16, 1942.

Interwoven Stocking Company, Hagerstown, Maryland; Seamless Hosiery; 5 percent; October 16, 1942.

Interwoven Stocking Company, Chambersburg, Pennsylvania; Seamless Hosiery; 5 percent; October 16, 1942.

Martinat Hosiery Mills, Inc., Valdese, North Carolina; 5 percent; Seamless Hosiery; October 16, 1942.

NoMend Hosiery, Incorporated, 2nd and Weidman Streets, Lebanon, Pennsylvania; Full Fashioned Hosiery; 5 percent; October 16, 1942.

Ridgeview Hosiery Mill Company, Main Avenue, Newton, North Carolina; Seamless and Full Fashioned Hosiery; 5 percent; October 16, 1942.

Rockford Mitten and Hosiery Company, 418 S. Wyman Street, Rockford,

Illinois; Seamless Hosiery; 5 percent; October 16, 1942.

Schuylkill Valley Mills, Inc., S. Main Street, Spring City, Pennsylvania; Full Fashioned Hosiery; 5 percent; October 16, 1942.

Terry Hosiery Company, 600 S. Hamilton Street, High Point, North Carolina; Seamless Hosiery; 4 learners; October 16, 1942. (This certificate replaces one issued to the Terry Hosiery Mills, Inc., bearing expiration date of November 12, 1941.)

Viewmont Hosiery Mills, Fairground Road, Hickory, North Carolina; Seamless Hosiery; 4 learners; October 16, 1942.

Walton Knitting Mills, Church Avenue and N. Mill Street, Hickory, North Carolina; Seamless Hosiery; 5 learners; October 16, 1942.

Wilson Brothers, 1008 W. Sample Street, South Bend, Indiana; Seamless Hosiery; 8 learners; June 16, 1942.

The Winsted Hosiery Company, 196 Holabird Avenue, Winstead, Connecticut; Seamless Hosiery; 5 percent; October 16, 1942.

Knitted Wear

The Walter A. Goldsmith Company, Broad and Jackson Streets, Conneaut, Ohio; Knitted Underwear; 20 learners; March 26, 1942.

Wilson Brothers, 1008 W. Sample Street, South Bend, Indiana; Knitted Underwear and Outerwear; 5 percent; October 16, 1942.

Textile

Samuel J. Aronsohn, Inc., 900 James Avenue, Scranton, Pennsylvania; Tie, Elastic and Novelty Fabrics; 3 percent; October 16, 1942.

Edinburgh Cotton Mills, Raeford, North Carolina; Cotton Yarn; 3 percent; October 16, 1942.

Middleburg Mills, Middleburg, Pennsylvania; Rayon Cloth; 2 learners; October 16, 1942.

Pisgah Mills, Inc., Brevard, North Carolina; Combed Peeler and Sak Sewing Thread and Fine Combed Yarns; 3 percent; October 16, 1942.

Signed at Washington, D. C., this 15th day of October 1941.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 41-7774; Filed, October 15, 1941; 11:58 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940,

5 F.R. 2862) to the employers listed below effective October 16, 1941.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME, AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Adelphia Company, 421 Arch Street, Philadelphia, Pennsylvania; Portable Lamps and Shades; Lamp Shades; 10 learners; 320 hours for any one learner; 35 cents per hour; Hand Sewing; December 31, 1941.

American Core-Twine Corporation, Salmon Falls, New Hampshire; Twisting of Paper and Cellophane Twine, Cord and Yarn and Weaving Paper and Cellophane Fabrics from these yarns; 30 learners; 6 weeks for any one learner; 27½¢ per hour; Machine Operators, Tenders, Fixers, and Jobs incidental thereto; December 11, 1941.

Beebe Brothers Rubber Company, 20-22 Marshall Street, Nashua, New Hampshire; Rubber Products; Rubber Heels; 5 learners; 320 hours (8 weeks) for any one learner; 30 cents per hour; Trimmers, Inspectors; February 19, 1942.

The Fleischer Mills, Inc., 408 W. Seventh Street, Cincinnati, Ohio; Paper Covers for Garment Hangers; 4 learners; 6 weeks for any one learner; 30 cents per hour; Paper Folder; December 8, 1941. (This certificate effective October 13, 1941, and omitted from REGISTER of that date.)

Hagerstown Rubber Company, Inc., Highland Way, Hagerstown, Maryland; Rubber Products; Rubber Heels; 10 percent; 320 hours (8 weeks) and 160 hours (4 weeks) respectively for any one learner; 30 cents per hour; Trimmers, Pressmen, Millmen, Inspectors; April 16, 1942.

The Holtite Manufacturing Company, Inc., Warner and Ostend Streets, Baltimore, Maryland; Rubber Products; Rubber Heels; 10 percent; 320 hours (8 weeks) and 240 hours (6 weeks) for any one learner respectively; Trimmers 30 cents per hour; Packers, 30 cents per hour; Pressmen 35 cents per hour; Examiners, 30 cents per hour; April 16, 1942.

Minerva Wax Paper Company, Grant Street, Minerva, Ohio; Wax Coated Paper Rolls; 30 learners; 6 weeks for any one learner; 30 cents per hour; Assembling Wax Rolls in Boxes; Decem-

ber 8, 1941. (This certificate effective October 13, 1941, and omitted from REGISTER of that date.)

The O'Sullivan Rubber Company, Inc., Winchester, Frederick Co., Virginia; Rubber Products; Rubber Heels, Soles, etc.; 10 percent; 320 hours (8 weeks) for any one learner; 37½¢ per hour; Cutting Rubber, Compounding, Mixing, Milling, Calendering, Skiving, Pressing; May 1, 1942.

The O'Sullivan Rubber Company, Inc., Winchester, Frederick Co., Virginia; Rubber Products; Rubber Heels, Soles, etc.; 10 percent; 320 hours (8 weeks) for any one learner; 35 cents per hour; Finishing Processes (1) Trimming (2) Inspecting (3) Packing; May 1, 1942.

Red Wing Potteries, 711 W. Lake Street, Chicago, Illinois; Electric standards and silk, parchment and fabric shades; 5 learners; 320 hours for any one learner; 35 cents per hour; Lamp Shade Sewing; April 16, 1942.

The SealTex Company, 2014 Wabansia Avenue, Chicago, Illinois; Self-Stocking Bandages; 4 learners; 6 weeks for any one learner; 30 cents per hour; Latex Stripper, Bandage Roller, Bandage Cutter and Boxer, Drier, Other Machine Operators, Tenders, Fixers, and Jobs Incidental Thereto; March 5, 1942.

Standard Lamp and Novelty Company, 729 Wabash Avenue, Chicago, Illinois; Lamps and Shades; 6 learners; 320 hours for any one learner; 35 cents per hour; Lamp Shade Sewing; April 16, 1942.

Signed at Washington, D. C., this 15th day of October 1941.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 41-7775; Filed, October 15, 1941;
11:58 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-412]

IN THE MATTER OF FEDERAL LIGHT & TRACTION COMPANY, RAWLINS ELECTRIC COMPANY, SHERIDAN COUNTY ELECTRIC COMPANY, AND THE TRINIDAD ELECTRIC TRANSMISSION, RAILWAY & GAS COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 14th day of October, A. D. 1941.

Notice is hereby given that declarations or applications (or both) have been filed with the Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named parties; and

Notice is further given that any interested person may, not later than October 30, 1941, at 4:30 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or applica-

tion, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declarations or applications, which are on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Rawlins Electric Company, Sheridan County Electric Company, and The Trinidad Electric Transmission, Railway & Gas Company are wholly-owned subsidiary public utility companies of Federal Light & Traction Company (hereinafter referred to as "Federal"), a registered holding company. Federal Light & Traction Company proposes to sell or surrender to such subsidiaries for cash all bonds and demand notes of such subsidiaries owned by Federal Light & Traction Company; to acquire for cash additional common stock of Sheridan County Electric Company, and to contribute to the capital of The Trinidad Electric Transmission, Railway & Gas Company, by the partial cancellation of bonds of said subsidiary held by Federal Light & Traction Company. The net cash proceeds to be received by Federal as a result of such transactions, aggregating \$2,485,097.45, will be applied, together with \$23,702.55 from its general funds, to the redemption of \$2,500,000 principal amount of Federal's thirty-year debenture Gold Bonds, Series "B" 6% due December 1, 1954 at 100 (exclusive of accrued interest) and payment of expenses thereof.

The transactions in respect of each of the subsidiary companies are as follows:

Rawlins Electric Company proposes to issue and sell \$200,000 principal amount of its First Mortgage Bonds, 3½% Series due 1966 to John Hancock Mutual Life Insurance Company, pursuant to contract, at a price of 100% of the principal amount thereof plus accrued interest to the date of purchase, in a transaction not involving a public offering. The new bonds are to be issued under and secured by an Indenture of Mortgage and Deed of Trust to be dated as of October 1, 1941. The proceeds from the sale of the new bonds together with \$64,043.42 to be received from Federal in payment of that company's indebtedness to Rawlins Electric Company, aggregating \$264,043.42, will be applied to the retirement of all of the indebtedness of Rawlins Electric Company to Federal, which indebtedness (exclusive of accrued interest) is as follows:

First mortgage gold bonds, 8% series due 1959	\$225,000.00
To the payment of estimated expenses of the financing	6,445.00
To be added to general funds of the company	32,598.42
Total	264,043.42

Sheridan County Electric Company proposes to issue and sell \$750,000 principal amount of its First Mortgage Bonds, 3½% Series due 1966 to John Hancock Mutual Life Insurance Company, pursuant to contract, at a price of 100% of the principal amount thereof plus accrued interest to the date of purchase, in a transaction not involving a public offering. The new bonds are to be issued under and secured by an Indenture to be dated as of October 1, 1941. The Company also proposes to issue and sell to Federal Light & Traction Company 1,500 shares of the Company's capital stock of \$100 par value at the par value thereof. The proceeds from the sale of the new bonds and said capital stock, aggregating \$900,000, will be applied as follows:

(1) To the retirement of all of the indebtedness of Sheridan County Electric Co. to Federal, which indebtedness (exclusive of accrued interest) is as follows:	
First mortgage thirty-five-year seven percent gold bonds, due 1947	\$713,000.00
Open account	171,759.66
	\$884,759.66
(2) To the payment of estimated expenses of the financing	9,490.00
(3) To be added to general funds of the company	5,750.34
Total	900,000.00

The Trinidad Electric Transmission, Railway & Gas Company proposes to issue and sell \$1,600,000 Principal amount of its First Mortgage Bonds, 3½% Series due 1966 to John Hancock Mutual Life Insurance Company, pursuant to contract, at a price of 100% of the principal amount thereof plus accrued interest to the date of purchase, in a transaction not involving a public offering. The new bonds are to be issued under and secured by an Indenture to be dated as of October 1, 1941. The proceeds from the sale of the new bonds together with necessary additional cash from other funds of the Company will be applied as follows:

(1) To the retirement of all the indebtedness of The Trinidad Electric Transmission, Railway & Gas Co. to Federal remaining after giving effect to the capital contribution proposed to be made by Federal hereinafter described, which indebtedness is as follows:	
First mortgage five percent gold bonds, due 1961	\$3,211,000.00
Less capital contribution	2,413,000.00
	798,000.00
8% demand notes	\$710,359.33
Open account	284,738.52
Accrued interest on foregoing (amount at August 31, 1941)	387,505.58
	206,777.78

(2) To the payment of estimated expenses of the financing	20,860.00
Total	1,610,241.21

¹ Average cost to Federal.

In connection with the financing of The Trinidad Electric Transmission, Railway & Gas Company, Federal will make a contribution to the capital of the Company of \$2,413,000, to be effected by the surrender for cancellation by Federal of a like principal amount of the Company's old bonds. The Company proposes to (1) credit the amount of said capital contribution to capital surplus, (2) increase the balance in its depreciation and retirement reserve in the amount of \$200,000 by a charge to earned surplus (deficit), (3) charge the deficit in earned surplus (after crediting thereto the discount realized on \$798,000 principal amount of old bonds reacquired) to capital surplus, and (4) transfer the balance remaining in capital surplus to a reserve for property adjustments. It is proposed that the foregoing capital contribution and accounting entries and adjustments will be made effective as of the close of the calendar month next preceding the consummation of the proposed financing.

Federal and its subsidiaries respectively state that they consider the transactions covered by the above applications and declarations to be exempt from the provisions of Rule U-50.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7772; Filed, October 15, 1941; 11:37 a. m.]

[File Nos. 7-554, 7-555, 7-556, 7-557]

IN THE MATTER OF APPLICATIONS BY THE NEW YORK CURB EXCHANGE TO EXTEND UNLISTED TRADING PRIVILEGES TO CENTRAL POWER AND LIGHT COMPANY FIRST MORTGAGE BONDS, SERIES A, 3¾% DUE AUGUST 1, 1969; KENTUCKY UTILITIES COMPANY FIRST MORTGAGE BONDS, 4% SERIES, DUE JANUARY 1, 1970, 4½% SINKING FUND MORTGAGE BONDS, DUE FEBRUARY 1, 1955; WEST TEXAS UTILITIES COMPANY FIRST MORTGAGE BONDS, SERIES A, 3¾% DUE MAY 1, 1969

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 14th day of October, A. D. 1941.

The New York Curb Exchange, pursuant to section 12 (f) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, having made application to the Commission to extend unlisted trading privileges to the above-mentioned securities; and

The Commission having ordered that a hearing be held in this matter on Friday, November 7, 1941, in Washington, D. C.; and

The New York Curb Exchange having requested a postponement of said hearing;

It is ordered, That said hearing be postponed until 10 a. m. on Thursday, November 13, 1941, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Willis E. Monty, an officer of the Commission, be and he hereby is designated to admin-

ister oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7773; Filed, October 15, 1941; 11:38 a. m.]

[File No. 70-167]

IN THE MATTER OF CONSOLIDATED ELECTRIC AND GAS COMPANY, AND PEOPLES GAS COMPANY

ORDER CORRECTING ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 14th day of October, A. D. 1941.

It appearing to the Commission that in its Order issued in the above-entitled matter on October 8, 1941,¹ through inadvertence, an error appeared in the text thereof; and the Commission being desirous of correcting the said error;

It is ordered, That the Order aforesaid be and the same hereby is corrected so that the same shall read in the sixth and seventh lines thereof, "regarding the issue and sale by Peoples Gas Company" instead of "regarding the issue and sale by Consolidated Electric and Gas Company".

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7771; Filed, October 15, 1941; 11:38 a. m.]

¹ 6 F.R. 5157.